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Tenure Under Attack in the Illinois House

On February 25, 2004, Illinois House Bill 4073 was scheduled for a hearing by the Higher Education Committee of the Illinois General Assembly. The bill was sponsored by Monique Davis (D) of Chicago. The purpose of the bill was to radically change the method by which tenure criteria are established and the method by which tenure is granted or rejected. In addition, the bill would effectively remove the faculty from its traditional role in the tenure process.

The threat posed by this bill produced a flurry of e-mails and phone calls to me from around the country. Conversations with Mark Smith, AAUP Director of Government Relations, led to a plan for testifying against this bill. Our strategy was to utilize the AAUP Statement on Government of Colleges and Universities from the "Red Book."

In PART V. THE ACADEMIC INSTITUTION: THE FACULTY the "Red Book" describes the role of the faculty in tenure decisions as: "Faculty status in related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based on the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments."

The impact of House Bill 4073 would be in direct conflict with this AAUP policy. The bill included the following provisions:

- *creates a Higher Education Commission to establish criteria for tenure of public university professors;
- *the criteria shall include the amount of education of the professor, the needs of the university, and the promotion of diversity;
- *requires Commission approval of all university decisions to grant or deny tenure;
- *the Commission would consist of three members appointed by the Governor and two faculty members selected by the trustees from each public university;
- *the members would serve four-year terms without compensation but would be eligible for reimbursement of expenses.

In addition to clear violation of AAUP policy, the bill ignored the fact that eight of the twelve public universities in Illinois have negotiated contracts which include specific

agreements on tenure policy and procedure. Some of the negotiated contractual provisions include:

- *the process for awarding tenure;
- *the evaluation of probationary faculty based on teaching, performance of primary duties, research, creative activities, and service;
- *the methods of evaluation from the departmental level to the university president;
- *the establishment of due process so that probationary faculty may appeal negative recommendations;

In addition to our planned oral and written testimony at the Higher Education Committee Hearing regarding AAUP policy as well as contractual issues, informal conversations were held with Ms. Davis to inform her of strong faculty opposition to her bill. Apparently, this strong message resulted in Ms. Davis not calling her bill to be heard by the Higher Education Committee. For the time being, the bill is “dead.” Currently we should consider this an important victory in retaining the preeminence of faculty in tenure decisions.

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